

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CATHERINE COLE, BARBARA
KOOSTRA, MARY-ANN SONTAG
BOWMAN, and
RHONDIE VOORHEES,

Plaintiffs,

-vs-

MONTANA UNIVERSITY
SYSTEM, UNIVERSITY OF
MONTANA-MISSOULA,
and JOHN DOE DEFENDANTS
1-50,

Defendants.

Case No. 21-88-M-BMM

Taken at 235 East Pine
Missoula, Montana
Thursday, February 17, 2022 - 8:53 a.m.

VIDEOTAPED DEPOSITION

OF

RHONDIE VOORHEES

Reported by Melody Jeffries Peters, RDR, CRR, CRC,
Jeffries Court Reporting, Inc., 1015 Mount Avenue,
Suite B, Missoula, Montana 59801, (406) 721-1143,
Freelance Court Reporter for the State of Montana
residing in Missoula, Montana, jccrcourt@montana.com

Page 2

A P P E A R A N C E S

1 Sherine D. Blackford, Esq.
 2 Hillary P. Carls, Esq. (not appearing)
 3 Blackford Carls P.C.
 4 602 West Lamme Street
 5 Bozeman, Montana 59715
 6 sherine@blackfordcarls.com
 7 carls@blackfordcarls.com
 8 Associated staff:
 9 info@blackfordcarls.com
 10 appearing on behalf of the Plaintiffs.

11 Susan Moriarity Miltko, Esq.
 12 Hannah I. Higgins, Esq.
 13 Williams Law Firm, P.C.
 14 235 East Pine
 15 P.O. Box 9440
 16 Missoula, Montana 59807-9440
 17 susan@wmslaw.com hannah@wmslaw.com
 18 Associated Staff:
 19 deborah@wmslaw.com and wlfmail@wmslaw.com
 20 appearing on behalf of the Defendants Montana
 21 University System, University of Montana-Missoula,
 22
 23 ALSO APPEARING: Rona Chenoweth, Videographer
 24
 25

Page 3

I N D E X

1 WITNESS: PAGE:
 2 RHONDIE VOORHEES
 3 Examination by Ms. Moriarity Miltko 8
 4 Examination by Ms. Blackford 294
 5 Examination by Ms. Moriarity Miltko 303
 6
 7 Stipulations 6
 8
 9 EXHIBITS:
 10 Deposition Exhibit Number 22
 11 Notes 19
 12 Deposition Exhibit Number 23
 13 Responses to discovery, first 19
 14 supplemental responses and second
 15 Deposition Exhibit Number 24
 16 Messages between Rhondie Voorhees and Tom 93
 17 Crady
 18 Deposition Exhibit Number 25
 19 Phone messages 105
 20 Deposition Exhibit Number 26
 21 Dean of Students position description 114
 22 Deposition Exhibit Number 27
 23 Role description 118
 24 Deposition Exhibit Number 28
 25 Issues and timeline 124
 26 Deposition Exhibit Number 29
 27 Issues and Timeline - Clery 125
 28 Deposition Exhibit Number 30
 29 Protected material 129

Page 4

1 Deposition Exhibit Number 31
 2 Protected material 137
 3 Deposition Exhibit Number 32
 4 Student Conduct Code sanctioning 141
 5 Deposition Exhibit Number 33
 6 Email from Rhondie Voorhees 145
 7 Deposition Exhibit Number 34
 8 Email string, Allyson Brown 147
 9 Deposition Exhibit Number 35
 10 Student Affairs proposal 159
 11 Deposition Exhibit Number 36
 12 August 14, 2018, letter 167
 13 Deposition Exhibit Number 37
 14 Emails, large file 173
 15 Deposition Exhibit Number 38
 16 Provost's Student Affairs/Student Success 182
 17 "Reorganization" - Summer/Fall 2018
 18 Deposition Exhibit Number 39
 19 Role description 183
 20 Deposition Exhibit Number 40
 21 Email between K. Szpaller and K. McRae 186
 22 Deposition Exhibit Number 41
 23 Email string 197
 24 Deposition Exhibit Number 42
 25 Handwritten notes 199
 26 Deposition Exhibit Number 43
 27 Handwritten notes, 2-10-16 203
 28 Deposition Exhibit Number 44
 29 Six-page document 207
 30 Deposition Exhibit Number 45
 31 Paul Kirgis and Rhondie Voorhees 214
 32 communication
 33 Deposition Exhibit Number 46
 34 Rhondie Voorhees email July 18, 2018 216

Page 5

1 Deposition Exhibit Number 47
 2 Email from Allyson Brown 221
 3 Deposition Exhibit Number 48
 4 Email to Terri Phillips from Rhondie 223
 5 Voorhees
 6 Deposition Exhibit Number 49
 7 Communication with Mary-Ann Sontag Bowman 224
 8 Deposition Exhibit Number 50
 9 Email from Rhondie Voorhees 236
 10 Deposition Exhibit Number 51
 11 Communication with Barb Koostra 239
 12 Deposition Exhibit Number 52
 13 Text messages with Mary-Ann Sontag Bowman 245
 14 Deposition Exhibit Number 53
 15 Grievance Complaint 262
 16 Deposition Exhibit Number 54
 17 Jesse Aaron Schulz communication 282
 18 Certificate of Witness 306
 19 Certificate of Court Reporter 307
 20 Reading and signing letter 308
 21 Release letter 309
 22
 23
 24
 25

<p style="text-align: right;">Page 274</p> <p>1 A. She worked in enrollment. 2 Q. And did she resign? 3 A. Eventually, but under very difficult 4 circumstances after her position was -- she was 5 moved and her position was moved -- I mean, 6 eliminated. 7 Q. And when did she resign? 8 A. So that was when Teresa Branch was still 9 there, so it would have been in probably 2013 or 10 2014. 11 Q. And do you know that she resigned 12 because she experienced harassment, retaliation or 13 discrimination on the basis of sex or do you 14 believe that? 15 A. No, I'm -- Through a personal 16 conversation with her, I'm fairly certain that she 17 retained counsel and claimed discrimination on the 18 basis of gender and ethnicity. 19 Q. And when did you have that conversation 20 with her? 21 A. It would have been around that time, 22 sometime in probably 2013 or '14. 23 Q. Okay. Anyone else that you're aware of 24 that you believe was forced to resign because they 25 experienced harassment, retaliation or</p>	<p style="text-align: right;">Page 276</p> <p>1 A. Well, and I'm an example of that. 2 Q. Right. And I understand that's your 3 position. I'm asking about anyone other than the 4 named Plaintiffs that you're aware of. 5 A. And again, when you say terminated the 6 position, do you mean eliminated the position like 7 they eliminated the Dean of Students' position or 8 they were terminated from their position? 9 Q. And -- and it's your position as to who 10 these putative class members are so I want to know 11 what you think. 12 It strikes me that your position was 13 eliminated and you consider yourself a member of 14 this class, correct? 15 A. Yes. 16 Q. So I think it's probably the broader 17 definition, but it's -- you're the one making the 18 claim. 19 A. I think Laurie Fisher. I suspect 20 Laurie Fisher falls into that category. 21 Q. Okay. So she didn't resign; they 22 terminated her position? 23 A. I believe that's correct. 24 Q. Okay. Anyone else? 25 A. Not that I can think of right now.</p>
<p style="text-align: right;">Page 275</p> <p>1 discrimination on the basis of sex? 2 A. Not that I can think of right now. 3 Q. Okay. How about anyone that you're 4 aware of other than the named Plaintiffs who you 5 believe either the University of Montana or 6 Montana University System terminated their 7 position and -- because they -- and they 8 experienced harassment, retaliation or 9 discrimination on the basis of sex? 10 MS. BLACKFORD: And I'll insert the same 11 objection. 12 MS. MORIARITY MILTKO: And understand 13 we've got that understanding. 14 Q. (BY MS. MORIARITY MILTKO) I want your 15 personal knowledge. 16 A. When you say "terminated their 17 position," do you mean -- could you please clarify 18 that? 19 Q. Well, I'm reading from your Complaint. 20 A. Uh-huh. 21 Q. And it says people -- that the suit is 22 being brought by -- on behalf of people who the 23 Defendants terminated their position and 24 experienced harassment, retaliation and/or 25 discrimination on the basis of sex.</p>	<p style="text-align: right;">Page 277</p> <p>1 Q. And how about anyone, then, that you're 2 personally aware of that you believe experienced 3 harassment, retaliation or discrimination on the 4 basis of sex since -- and was employed by the 5 University of Montana, Montana University System 6 since 2013 and that the Defendants created no or 7 limited options for professional growth, other 8 than the named Plaintiffs? 9 A. Well, another person I would add to the 10 list is Emily Ferguson-Steger. 11 Q. And is she still employed at the 12 University? 13 A. In a different position is my 14 understanding, yes. 15 Q. And have you spoken with her about that? 16 A. I've spoken with her about the shift in 17 her position. 18 Q. Anyone else? 19 A. I believe that it may apply to 20 Cindy Williams. I think her last name is 21 Williams. The director of the Foundation. 22 Q. And have you spoken to her about that? 23 A. No. 24 Q. Anyone else that you are personally 25 aware of?</p>

<p style="text-align: right;">Page 278</p> <p>1 A. Nobody else that I can think of. Oh, 2 I'm -- Well, Peggy Nesbitt. 3 Q. And what was Peggy Nesbitt's position? 4 A. Associate Dean of one of the colleges, 5 the one with music. I don't remember what they 6 call it now. 7 Q. And what's your understanding of how her 8 professional growth was limited by the Defendants? 9 A. My understanding is that she experienced 10 harassment and gender discrimination. 11 Q. And what's your basis for believing 12 that? 13 A. A personal conversation. 14 Q. And how was her professional growth 15 limited by the University? 16 A. Well, I think anytime a woman 17 experiences harassment or discrimination in the 18 workplace your growth is limited. 19 Q. Are you aware if she failed to get a 20 position or was overlooked for a position or 21 anything like that? 22 A. No, I'm not. 23 Q. Who are the individuals at the 24 University of Montana that you believe 25 discriminated against you on the basis of gender?</p>	<p style="text-align: right;">Page 280</p> <p>1 preparation for my grievance hearing that he had 2 never sought my position description from HR, so 3 he didn't even know what I did. 4 Q. So is it based on his testimony at the 5 grievance that he had spoken with University 6 counsel and his supervisor before -- before 7 deciding to eliminate your position? 8 A. My recollection of that conversation is 9 that one of the grievance members asked him who he 10 consulted prior to making the decision to 11 eliminate the Dean of Students' position, and he 12 responded -- I don't remember exact words, but he 13 responded with the legal counsel and the 14 President -- his supervisor, the President. 15 Q. Do you have any other information 16 that -- upon which you base your assertion that 17 Jon Harbor discriminated against you on the basis 18 of gender? 19 A. Well, Jon Harbor was the one who carried 20 out my nonrenewal. 21 Q. Right, but I think you said that was 22 carrying out Lucy France's retaliation. You now 23 told me because he said he consulted with her and 24 his supervisor before nonrenewing you. 25 I'm asking if there's any other basis.</p>
<p style="text-align: right;">Page 279</p> <p>1 A. Seth Bodnar. 2 Q. Is that based on the elimination of your 3 position? 4 A. Yes. 5 Q. Anyone else? 6 A. Lucy France. 7 Q. And is that based on her handling of 8 your student conduct cases? 9 A. No. It was based on the ultimate 10 retaliation and the elimination of my position. 11 Q. Anyone else? 12 A. Jon Harbor. 13 Q. And explain that for me. Again, the 14 elimination of your position? 15 A. Yes. 16 Q. And when you say that you believe 17 Jon Harbor eliminated your position on the basis 18 of sex, explain that to me. 19 A. Well, I believe that Jon Harbor carried 20 it out, and I believe that that was the wishes of 21 Lucy France and Seth Bodnar. 22 Q. And what's your basis for believing 23 that? 24 A. Well, he pretty much shared that in the 25 grievance. I had never met him. I did confirm in</p>	<p style="text-align: right;">Page 281</p> <p>1 A. No. 2 Q. Anyone else that you believe 3 discriminated against you on the basis of sex at 4 the University of Montana? 5 A. Well, I think it was -- it was systemic 6 and it was -- I don't believe the grievance 7 process was fair. I don't believe that it gave me 8 an adequate and fair opportunity. 9 Scott Whittenburg served as the chair of 10 the grievance committee -- 11 Q. Can I slow you down on the grievance 12 process not being fair? 13 A. Sure. 14 Q. Is the grievance process utilized for -- 15 regardless of whether the grievant is male or 16 female? 17 A. I believe so. 18 Q. And you say having Scott Whittenburg as 19 the chair. 20 Is that bias on the basis of sex? 21 A. My view is that the process, the entire 22 process, was unfair and retaliatory. 23 Q. Okay. 24 A. And he was the chair of that process. 25 Q. And the other members of that committee</p>